



STATE MINING AND GEOLOGY BOARD

EXECUTIVE OFFICER'S REPORT



ARNOLD
SCHWARZENEGGER
GOVERNOR

For Meeting Date: February 14, 2007

Agenda Item No. 10: Report on Complaints Pertaining to Four Surface Mining Operations in Sacramento County.

INTRODUCTION: When the State Mining and Geology Board (SMGB) receives a complaint, a determination is quickly made as to whether immediate action is required. Immediate action is defined as a "situation where a lead agency does not act to assure SMARA compliance and irreparable environmental damage or substantial endangerment to the public health appears imminent". When immediate action is not considered necessary, a technical review by the Department of Conservation, Office of Mine Reclamation (OMR) or discussion of the violation(s) at the SMGB's next Regular Business Meeting may be undertaken.

BACKGROUND:

Receipt of Public Complaints: The SMGB was copied on a complaint forwarded to Sacramento County from the Law Offices of M. Diane Anderson regarding four alleged unpermitted surface mining operations on October 10, 2007. Upon receipt of the complaint, the Executive Officer forwarded this complaint to the OMR on October 11, 2007. The four sites noted by Ms. Anderson were:

- Lonnie Stoval
- Creek Crushing/G. R. Trucking
- Steven Hardesty
- Jeanie and Curtis Hanford

Since such time, the SMGB's office has received several direct inquiries and complaints pertaining to unfair competition from the mining industry in reference to one of the four sites.

OMR Technical Review: OMR staff made a site visit to the four referenced sites in November 2007, and met with County staff on December 19, 2007, to go over the SMGB-referred complaints and to evaluate the results of the November site visits. A summary of observations made by OMR staff is provided below:



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Lonnie Stoval: No active mining was observed at this site. Total disturbed acreage was less than one acre (estimated to be less than 0.85 acres); however, more than 1,000 cubic yards of material was excavated. None of the material appears to have been transported offsite for commercial purposes and the material appeared to have been used in the construction of an onsite, permitted pole barn. OMR and County staff agree that activity at the site is not subject to SMARA pursuant to PRC Section 2714(b) since activities being performed are for construction purposes. The County planned to advise the property owner not to conduct any excavation activities for offsite commercial purposes without first obtaining approval of a mining permit, a reclamation plan, and a financial assurance.

Creek Crushing / G.R. Trucking: This is a permitted recycling operation. As no material is being excavated onsite, the operation is not subject to SMARA pursuant to PRC Section 2735, since “recycling” is not included in the definition of “surface mining operations”. While it does not appear that the operator has excavated onsite mine dredger tailings, the County has agreed to look into this aspect further and report back to OMR. OMR is in the process of evaluating via review of historic aerial photographs whether any dredger tailings were removed from the site by this company.

Steven Hardesty: County staff indicated that there was a prior complaint about this site. The County’s investigation of that complaint did not reveal any surface mining-related activity. Disturbance at the site appeared to be related to onsite agricultural activity. OMR staff were not able to visit this site in November because of a locked gate. The County has agreed to help OMR staff gain access in the near future to evaluate whether any mining-related activity has occurred or is occurring.

Jeanie Hanford and Curtis Hanford: A number of SMARA violations were identified at this site, including:

- a. Mining-related disturbance was observed outside the approved reclamation plan boundary.
- b. No revegetation test plots as required by the approved reclamation plan were observed.
- c. Financial assurances had not been updated annually and were deemed likely inadequate.
- d. Annual reports had not been submitted since 1999.



- e. The mining permit for the site had expired.

The County intends to issue a Notice of Violation to the operator and follow this with an Order to Comply, if deemed necessary. OMR plans monitor the County's progress in this enforcement matter, and implement independent enforcement action, if necessary.

Summary: At this point, only one site appears to have confirmed SMARA violations (i.e., the Hanford site). The County plans to take appropriate SMARA enforcement actions to bring this site into compliance. More data is needed to make a final determination regarding the Creek Crushing / G.R. Trucking recycling operation. If dredger tailings were removed from the site by this company, OMR will work with the County to see that appropriate enforcement action is taken. Once OMR staff gains access to the Hardesty site, it will be possible to determine whether any mining activity that would be subject to SMARA has occurred or is occurring.

EXECUTIVE OFFICER'S RECOMMENDATION: Based on the information and analysis provided by OMR, it is the Executive Officer's opinion that Sacramento County is currently performing their lead agency responsibilities and obligations pursuant to SMARA and the SMGB's regulations, and that no further action by the SMGB is being recommended at this time.

Respectfully submitted:

Stephen M. Testa
Executive Officer

